

**EUREKA TOWNSHIP
DAKTOA COUNTY, MINNESOTA**

EUREKA TOWN BOARD MEETING

APRIL 13, 2015

CALL TO ORDER

Chair Brian Budenski called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was given. Town Board Supervisors present were Brian Budenski, Kenny Miller, Cory Behrendt, Carrie Jennings, and Dan Rogers. Planning Commission liaison Butch Hansen, Township Attorney Chad Lemmons and Township Clerk Mira Broyles were also present.

APPROVAL OF THE AGENDA

Additions to the agenda were made as follows:

New Business:

G. 225th Street and Highview Ave.

H. Dakota County Update by Supervisor Jennings

Motion was made by Chair Budenski, seconded by Supervisor Jennings to approve the agenda as amended. Motion carried 5-0.

TREASURER'S REPORT

The Treasurer's Report was given by Treasurer Marcia Wilson (*see attached report*).

Motion was made by Chair Budenski, seconded by Supervisor Jennings to accept the Treasurer's Report dated March 13, 2015. Motion carried 5-0.

Motion was made by Chair Budenski, seconded by Supervisor Rogers to approve the bills, receipts and net pay. Motion carried 5-0.

Outstanding invoices were discussed. Attorney Lemmons addressed the Enright invoice and noted that he would contact Building Inspector Staber to determine the exact amount owed by Mr. Enright and then contact his attorney.

Discussion was held regarding the current mileage reimbursement rate and Supervisor Behrendt noted that the motion made at the reorganization meeting was for the reimbursement rate to follow the Federal guidelines.

Treasurer Wilson discussed the benefits of locking in on a set price of \$1.09 per gallon for LP gas.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers to authorize entering into a contract for a set price of \$1.09 per gallon for LP gas. Motion passed 5-0.

Treasurer Wilson stated the Township had not received proposals for the annual audit. She noted that she would contact other townships or MAT for possible referrals.

Treasurer Wilson discussed payment to former Supervisor Mark Ceminsky for attending specific Planning Commission meetings. She noted that Mr. Ceminsky had attended the Commission meetings as the Town Board liaison for every meeting in question except for the February 2, 2015 meeting. The Board agreed to leave the payment to Mr. Ceminsky as previously made.

Treasurer Wilson, noted that, as directed, she had verified that Planning Commissioner Allen Novacek had, in fact, attended a Planning Commission meeting that had been questioned, although he arrived late. The Board agreed to leave the payment made to Mr. Novacek as previously made.

Treasurer Wilson discussed a request by Planning Commissioner Butch Hansen for pay back to 2012. The Board directed that Mr. Hansen's attendance at meetings be verified. Discussion was held regarding tax implications and Supervisor Miller indicated he would work with Treasurer Wilson to locate a tax accountant to consult regarding the issue.

DEPUTY SHERIFF REPORT

A Dakota County Deputy discussed phone call scams that had been reported and advised citizens not to give credit card information out to persons claiming to be with the IRS or collection agencies.

PUBLIC COMMENT

Pete Storlie, 860 235th Street, expressed concern over truck traffic on Dodd Road and asked the Board to notify Dakota County regarding construction signs. He also noted garbage had been dumped on Highview Avenue.

Mark Ceminsky, 7226 235th Street, stated that his campaign signs had been stolen and then dumped after the election and that fingerprints were being taken. He expressed disappointment in the 2014 Road Supervisors and the deterioration of the Township roads during the past year.

Lu Barfnecht requested that the Planning Commission review setbacks for fences as structures in Eureka Estates and also sump pump discharge. The Board directed that these items be added to the May Planning Commission agenda.

Terri Petter stated she had requested to be on the agenda to discuss the annual review of her two conditional use permits and to discuss her outstanding invoices. The Clerk indicated she had not received Ms. Petter's request and the Board directed that the items be placed on the May Town Board agenda.

CONTRACTOR TIME

Jason and Bryce Otte of Otte Excavating discussed plans for grading of all roads. Limestone testing was discussed and it was noted there are several areas where garbage needs to be collected.

BUILDING INSPECTOR UPDATE

Building Inspector Darrell Gilmer noted there are currently two houses and two decks under construction.

CONSENT AGENDA

Motion was made by Supervisor Behrendt, seconded by Supervisor Miller , to approve the minutes of the March 9, 2015 Town Board meeting and the March 12, 2015 Special Town Board meeting. Motion carried 3-0. Supervisors Jennings and Rogers abstained.

Motion was made by Supervisor Jennings, seconded by Supervisor Rogers, to approve the minutes of the March 24, 2015 Special Town Board meeting. Motion carried 5-0.

PLANNING COMMISSION UPDATE

Planning Commission liaison Butch Hansen reviewed discussions and actions taken at the April 6, 2015 Planning Commission meeting.

PLANNING COMMISSION – LAND USE, PERMITS AND RELATED ITEMS

A request to remove verbiage of a variance for a shared driveway by Donna and Dwight Pederson, 24875 Dodd Boulevard, inadvertently omitted from the agenda, was discussed.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to adopt Resolution 2015-07 which states the current Township Ordinance requirement for direct driveway access to a public road (Dodd Boulevard in this case) is waived and instead access shall be via a shared use of a portion of the existing driveway serving the adjacent property at 24875 Dodd Road such that an additional access location on Dodd Road will be not be created.

Motion carried unanimously.

John Friedges – Text Amendment. No representative of Freidges Landscaping was present.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to deny the Zoning Ordinance text amendment application by John Friedges dated February 27, 2015. Motion carried unanimously.

Jeff Otto – Boundary Correction. Jeff Otto discussed a boundary change that would transfer 675 square feet of land from PID 13-01900-50-012 to Eric and Heather Martin. He noted that the boundary correction would not require the formality of a land subdivision under Eureka Town Ordinance.

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers, to approve a boundary change transferring 675 square feet of land from PID 13-01900-50-012 to Eric D. Martin and Heather J. Martin, directing the Clerk to send a letter to Dakota County noting State Statute 462.352, Sub. 12 (3). Motion carried 5-0.

Lee and Beverly Topp – Agricultural Preserve. Discussion was held regarding the application for Agricultural Preserves for property ID 13-030000-02001, 13-03000-01002, 13-03000-01003, 13-03000-01025, 13-03000-01026.

Motion was made by Supervisor Jennings, seconded by Supervisor Miller, to approve the Agricultural Preserves Restrictive Covenant for property ID 13-030000-02001, 13-03000-01002, 13-03000-01003, 13-03000-01025, 13-03000-01026. Motion carried 5-0.

Kelly Aggregate – Interim Use Permit Amendment. Kelly Brosseth of Kelly Aggregate requested an amendment to his Interim Use Permit dated March 9, 2009 to include the recently approved Ordinance No. 2015-01. Board members explained that Mr. Brosseth would need to submit a request to modify his original Interim Use Permit noting any proposed changes.

OLD BUSINESS

Water Resource Management Ordinance Fee Schedule. Review and discussion of the fee schedule for the Water Resource Management Ordinance was directed to the Planning Commission. It was noted that Building Inspector Gilmer should be asked to attend the Planning Commission meeting.

IT Update. Supervisor Behrendt provided an update on IT issues, noting the new website had been launched.

NEW BUSINESS

Annual Review for Mark E. Nelson Conditional Use Permit. Mark Nelson noted there had been no changes or alterations to his airstrip. It was further noted there had been no complaints or public comment.

Motion was made by Supervisor Behrendt, seconded by Supervisor Budenski, to acknowledge review of Mark E. Nelson's Conditional Use Permit. Motion carried 5-0.

Chair Budenski called for a recess at 9:10 p.m.
The meeting reconvened at 9:20 p.m.

Planning Commission Appointments. Chair Budenski noted there are currently two three year terms, and one two year term, vacated by Town Board Supervisor Jennings, on the Planning Commission. Butch Hansen, Nancy Sauber, Fritz Frana, and Donovan Palmquist each submitted a letter of interest and spoke in regard to their desire and qualifications to serve on the Commission. The Board cast paper ballots, first for the two three year terms, and then for the one two year term. Nancy Sauber and Donovan Palmquist received majority votes for the two three year terms and Fritz Fran received majority vote for the two year term.

Motion was made by Supervisor Behrendt, seconded by Supervisor Rogers to appoint Nancy Sauber and Donovan Palmquist to three year terms and to appoint Fritz Frana to a two year term on the Planning Commission beginning May 1, 2015. Motion carried unanimously.

Review Complaint Policy. The Township Complaint Policy was reviewed.

Motion was made by Supervisor Miller, seconded by Supervisor Budenski to revise the Township Complaint Policy as follows: Page 1, under the heading "Policy", second sentence is amended to read "Public complaints regarding the conduct or job performance of Township officials or employees are not covered by this policy." Motion carried unanimously.

Motion was made by Supervisor Jennings, seconded by Supervisor Miller, to add the following sentence at the end of the paragraph under the heading "Policy" on page one: "While the Town Board will listen to issues concerning employees, contractors and professional advisors, those individuals serve at the discretion of the Board and it is up to the Board to determine if those individuals are properly carrying out the duties assigned them by the Board." Motion carried unanimously.

New Complaints.

New complaints submitted to the Clerk were assigned to the following Board members for review.

Complaints #1-4 – Supervisor Miller; Complaints #5 and 6 – Supervisor Jennings; Complaint #7 – Supervisor Behrendt

Set Date for Round Table Meeting. The annual Round Table Meeting between the Town Board and the Planning Commission was scheduled for May 14, 2015 at 7:00 p.m.

Request for Quotes/Bids. The Clerk was directed to publish requests for quotes for the following to be reviewed at the May 11, 2015 Town Board meeting:

1. Road Gravel
2. Dust Control
3. Street Sweeping
4. Road Maintenance
5. Town Hall Ground Maintenance
6. Town Hall Building Maintenance

225th Street and Highview. Discussion was held regarding debris at 225th and Highview Ave.

Dakota County Update. Supervisor Jennings provided an update on miscellaneous information received from Dakota County.

OTHER BUSINESS

Newsletter. Jody Arman-Jones discussed the draft of the 2nd quarter newsletter.

Motion was made by Supervisor Behrendt, seconded by Supervisor Jennings, to direct that a postcard be mailed to Township residents regarding distribution of the electronic newsletter. Motion carried unanimously.

ADJOURNMENT

Motion was made by Chair Budenski, seconded by Supervisor Miller to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

Mira Broyles
Township Clerk

Minutes approved 5/11/15